

We were trying to select a test that was general in nature, that would fit all parts of the state. In giving my opinion that this examination would be a fair examination for promotion, I was considering that we had chosen it as a fair test in general for all of the grades. Since the white pupils had done so well in it, it seemed that it would be a perfectly fair test for Mr. Cooper to use. I was not consulted on the point that the examination itself was to be the sole criterion for promotion, all I was asked was whether it would be a fair test to use with seventh grade pupils. I think it would have been a very rare exception that a pupil would have been promoted to high school in the white school who had a mark so low as that would probably have not been promoted. I think it would be a matter of discretion with the Superintendent as to whether the examination would be the sole criterion. I thought it was as good a test, a standard test, as was available at that time. In January, the children were probably marked on a norm of 7.5 and if they took the examination in June, they would be required to make 7.9 or 8. In June, they would be required I think to make 7.7. I think they actually took 7.7. In going over the colored examinations in June, 1935, I found that a large percentage of the colored children were below the score in language. They were quite low in the first test in reading but they were farthest below in the language test. The test included spelling and handwriting in "language." The colored pupils were very low in this subject. The white pupils were too. They were not as low as the colored percentage. The norms used are left to the discretion of the county. I did not study the book of the authors of this examination, before we went into it.

EMILIO CRUZ,

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

I live in Lutherville and attended the Lutherville colored elementary school. I finished the seventh grade

there. After I finished the seventh grade, I had to take the examination in 1934. I failed. I went to high school and had to pay my own tuition. I went to high school, the Booker T. Washington High School. When I went to the Baltimore City school, I presented my report card and was admitted. I am still in the Baltimore City school. I went into the eighth grade and I am in the Baltimore City school now. I am in the tenth grade. I took the examination prescribed by the Baltimore County Board of Education and failed.

MRS. CARRY FRANCES HASTY,

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

I live in Overlea, Baltimore County, and I have children of school age. In 1934, my boy came out of the seventh grade and I didn't know at that time how the examination was given or when it was given so I went to Mr. Hirshner and asked him about it. I took the boy's papers. He said the boy did not take the examination and he did not want to look at the papers. I told him I did not know it in time. He said nothing could be done. He said, "Send him back to the seventh grade." He later said "Send him out into the business world." I asked him what he could do with a seventh grade education in the business world and he said they were trying to discourage early graduates anyway. At the time, he said there was a little colored girl eleven years old ready for high school and that was entirely too young.

THOMAS G. PULLEN, JR.,

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

I am State High School Supervisor for the central district that includes Baltimore County. Along with Mr.